

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

EPIFANIO CASTILLO,

Debtor,

Case No. 11-10718-t13

EPIFANIO CASTILLO,

Plaintiff,

v.

Case No. 18-01013-t

NEW PENN FINANCIAL, LLC,  
dba, SHELLPOINT MORTGAGE SERVICING,  
CITIMORTGAGE, INC., GREEN TREE  
SERVICING, LLC, DITECH FINANCIAL, LLC,  
AND FHLMC VPC 198746,

Defendants.

**ORDER RESULTING FROM HEARING ON MOTION TO DISMISS**

This matter came before the Court on September 24, 2018, at 9:00 a.m. for a preliminary hearing on Defendant CitiMortgage, Inc.'s motion to dismiss, filed July 2, 2018, doc. 14 (the "Motion"). Parties appeared as noted on the record. At the hearing, the parties informed the Court that the Motion had been resolved by agreement. The parties also discussed the current trial setting and pre-trial discovery and other deadlines. Being sufficiently advised,

THE COURT ORDERS:

1. Current Deadlines Vacated. The current pre-trial deadlines are hereby vacated.
2. Discovery Deadline. All discovery shall be completed by January 18, 2019.

Discovery shall be timely only if served soon enough to allow the other party(ies) to respond (using

the applicable response times) before the discovery completion deadline. Before moving for an order relating to discovery, the movant must request a conference with the Court.

3. Expert Reports. Fed.R.Civ.P. 26(a)(2)(B) shall apply in this adversary proceeding. Plaintiff's expert reports shall be served not later than November 23, 2018. Defendant's expert reports shall be served no later than December 21, 2018.

4. Dispositive Motions Deadline. The deadline to file dispositive motions shall be January 1, 2019. Responses to any dispositive motions are due 21 days after the date of service of any such dispositive motion. Replies are due 14 days after service of a response.

5. Pre-trial Conference. The final pre-trial conference is set for February 11, 2019 at 9:00 a.m., in the Brazos Courtroom, 5<sup>th</sup> Floor, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Albuquerque, New Mexico. Plaintiff's portion of a draft pre-trial order is due to defendants by January 20, 2019. Defendants' portions are due back to Plaintiff by February 2, 2019. Plaintiff shall submit the draft pre-trial order to the Court by February 10, 2019.

6. Trial. Trial is set for March 13, 2019, starting at 9:00 a.m., in the Brazos Courtroom, 5<sup>th</sup> Floor, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Albuquerque, New Mexico. One day has been set aside for the trial.

7. Witness lists. No later than March 4, 2019, the parties shall file and serve witness lists of persons the party expects to call to testify at the trial. The Court may exclude from testifying any witnesses not listed, other than rebuttal witnesses.

8. Exhibit Lists. No later than 10 days before March 4, 2019, the parties shall file and serve a list of exhibits, and shall exchange exhibits. Parties shall provide three copies of exhibits to Chambers before the trial. Plaintiff's exhibits are to be marked with numbers, and Defendant's exhibits with letters. Each page of any multiple-page exhibit shall be numbered. Exhibits shall be

accompanied by a list of the exhibits by number or letter and a brief description or name of each exhibit. If a party intends to offer more than five exhibits, then the exhibits shall be tabbed and bound by three-ring binders or some similar binding. Any counsel requiring authentication of an exhibit must so notify in writing the offering counsel within seven days before the trial. The Court generally will exclude exhibits not exchanged as required, other than rebuttal exhibits. The parties shall be prepared to notify the Court at the beginning of the trial which exhibits can be admitted by stipulation.

A handwritten signature in black ink, appearing to read 'D. Thuma', is written over a horizontal line.

Hon. David T. Thuma  
United States Bankruptcy Judge

Entered: September 28, 2018

Copies to: counsel of record